

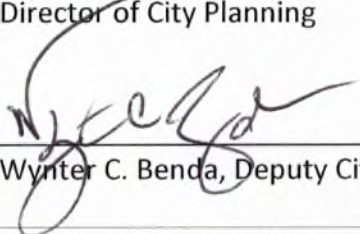


To the Honorable Council
City of Norfolk, Virginia

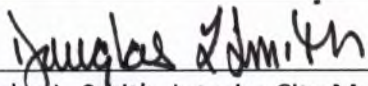
January 24, 2017

From: George M. Homewood, FAICP, CFM,
Director of City Planning

Subject: Norfolk Wetlands Board –
Amendments to existing Special
Revenue Accounts

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: 
Douglas L. Smith, Interim City Manager

Item Number: R-3

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is to:

- Repeal Ordinance Numbers 39,982 and 42,619 relating to Civil Charge Assessments for wetlands mitigation and sand dune violations and in-lieu fee payments for wetlands mitigation; and
- Adopt a new ordinance that allows expenditures, up to the amount of collected revenue, to be used solely as approved by the City Manager as recommended by the Norfolk Wetlands Board for tidal wetlands restoration and creation and environmental management efforts relating to protection of wetlands.

IV. **Analysis**

When the City rescinded the Coastal Primary Sand Dune Ordinance there was a corresponding need to modify the enabling ordinances for two special revenue accounts, i.e., Civil Charge Assessments and In-Lieu Fee Mitigation. The aforementioned ordinances need to be repealed and replaced with the attached ordinance following the repeal of the Coastal Primary Sand Dune Ordinance. This new ordinance also eliminates the cap that was set on appropriation of these funds in the previous ordinances.

V. **Financial Impact**

As of July 1, 2016 dune applications go to the Virginia Marine Resources Commission for approval. These applications made up a very small percentage of Norfolk Wetlands Board agendas (approximately 4%). Furthermore, the City has not processed a dune violation since January 2014, presenting a minimal impact on the City's revenue.

VI. Environmental

Expenditures from these funds will help create and enhance tidal wetlands in the City's waterways. Wetlands help improve water quality by filtering pollutants and nutrients, provide shoreline erosion control, and provide important fish and wildlife habitat.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Planning and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Ordinances 39,982 and 42,619 – to be repealed

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT. PLANNING

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE REPEALING ORDINANCE NUMBERS 39,982 AND 42,619 RELATING TO CIVIL CHARGE ASSESSMENTS FOR WETLANDS AND SAND DUNES VIOLATIONS, AND APPROVING THE RECEIPT AND APPROPRIATION OF CIVIL CHARGE ASSESSMENTS AND PAYMENTS MADE IN LIEU OF MITIGATION AS REQUIRED BY THE NORFOLK WETLANDS BOARD, AND ALLOWING EXPENDITURES UP TO THE AMOUNT OF COLLECTED REVENUE, TO BE USED SOLEY AS APPROVED BY THE CITY MANAGER FOR TIDAL WETLANDS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Ordinance Nos. 39,982 and 42,619 are hereby repealed relating to civil charge assessments for wetlands and sand dunes violations.

Section 2:- That the receipt of and appropriation of payments for civil charge assessments and payments made in lieu of mitigation as required by the Norfolk Wetlands Board is hereby approved.

Section 3:- That expenditures up to the amount of collected revenue are hereby approved, to be used solely as approved by the City Manager.

Section 4:- That a special revenue account is hereby established for placement of funds received as payments in lieu of mitigation, such monies from this account to be use for tidal wetlands restoration and creation as approved by the City Manager.

Section 5:- That a special revenue account is hereby established for placement of funds received as civil charge assessments for wetland violations, such monies from this account to be used for environmental management efforts relating to protection and enhancement of wetlands as approved by the City Manager.

Section 6:- That this ordinance shall be in effect from and after the date of its adoption.

/23/00 sb
Form and Correctness Approved: *BBP*

By *[Signature]*
Office of the City Attorney

NORFOLK, VIRGINIA

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 25,000.00

SPECIAL REVENUE FUND

SR 30916

Account

5-30-00

Date

Contents Approved:

By *[Signature]*
DEPT. CITY PLANNING

[Signature]
Director of Finance

ORDINANCE No. 39,982

R-1

AN ORDINANCE APPROVING THE RECEIPT OF PAYMENTS MADE IN-LIEU OF MITIGATION OR COMPENSATION AS REQUIRED BY THE NORFOLK WETLANDS BOARD IN THE AMOUNT OF \$25,000.00, IF AND WHEN RECEIVED, AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO RECEIVE THE FUNDS, APPROPRIATING THE SUM OF \$25,000.00 IF AND WHEN MADE AVAILABLE THEREFOR, AND ESTABLISHING A SPECIAL REVENUE ACCOUNT FOR PLACEMENT OF FUNDS RECEIVED, SUCH ACCOUNT TO BE USED SOLELY AS APPROVED BY THE CITY MANAGER FOR ENVIRONMENTAL MANAGEMENT EFFORTS RELATING TO THE PROTECTION, ENHANCEMENT OR CREATION OF WETLANDS AND SAND DUNES.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the receipt of funds from mitigation imposed by the Norfolk Wetlands Board under the wetlands and sand dunes ordinances, in the amount of \$25,000.00, if and when received, to provide funds for environmental management efforts relating to the protection, enhancement or creation of wetlands and sand dunes is hereby approved.

Section 2:- That the sum of \$25,000.00 in funds is hereby appropriated therefore, if and when made available, from the payment of mitigation imposed by the Norfolk Wetlands Board under the wetlands and sand dunes ordinances.

Section 3:- That a special revenue account is hereby established for placement of funds received, such account to be used solely as approved by the City Manager for environmental management efforts relating to the protection, enhancement or creation of wetlands and sand dunes.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.

Adopted by Council June 20, 2000
Effective June 20, 2000

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: DEPUTY CITY CLERK

1/4/07 sb

Form and Correctness Approved:

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

EPT. PLANNING

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 50,000

BCM

SR30C40

Account

Director of Finance

3/23/07
Date**ORDINANCE No. 42.619****R-2**

AN ORDINANCE APPROVING THE RECEIPT OF FUNDS FROM CIVIL CHARGE ASSESSMENTS IMPOSED BY THE NORFOLK WETLANDS BOARD IN THE AMOUNT OF \$50,000, AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO RECEIVE THE FUNDS, APPROPRIATING THE SUM OF \$50,000 IF AND WHEN AVAILABLE THEREFOR, AND ESTABLISHING A SPECIAL REVENUE ACCOUNT FOR PLACEMENT OF FUNDS RECEIVED, SUCH ACCOUNT TO BE USED SOLELY AS APPROVED BY THE CITY MANAGER FOR ENVIRONMENTAL MANAGEMENT EFFORTS RELATING TO THE PROTECTION OR ENHANCEMENT OF WETLANDS AND SAND DUNES.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the receipt of funds from civil charge assessments imposed by the Norfolk Wetlands Board for violations of the wetlands and sand dunes ordinances, in the amount of \$50,000, to provide funds for environmental management efforts relating to the protection or enhancement of wetlands and sand dunes is hereby approved.

Section 2:- That the City Manager is hereby authorized to do all things necessary to receive the funds.

Section 3: - That the sum of \$50,000, in funds is hereby appropriated therefor, if and when made available, from the payment of civil charge assessments imposed by the Norfolk Wetlands Board for violations of the wetlands and sand dunes ordinances.

Section 4:- That a special revenue account is hereby established for placement of funds received, such account to be used solely as approved by the City Manager for environmental management efforts relating to the protection or enhancement of wetlands and sand dunes.

Section 5:- That this ordinance shall be in effect from and after its adoption.

JAN 10 2007

Adopted by Council April 3, 2007
Effective April 3, 2007

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK